

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA**

Arthur Hill,

Plaintiff,

v.

Carvana, LLC and  
Bridgecrest Credit Company, LLC,

Defendants.

Civil Action No. 1:22-cv-37

**JOINT NOTICE OF REMOVAL**

28 U.S.C. §§1334, 1441, &1446

To: THE JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

Defendants Carvana, LLC (“Carvana”) and Bridgecrest Credit Company, LLC (“Bridgecrest,” and together with Carvana, “Defendants”) hereby file this Joint Notice of Removal pursuant to 28 U.S.C. §§ 1441 and 1446. This Action is within the original jurisdiction of the United States District Court for the Middle District of North Carolina, pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1367 because Plaintiff asserts a cause of action arising under a federal statute and the remaining claims are subject to this Court’s supplemental jurisdiction. Defendants deny the allegations contained in the state court pleadings and file this Joint Notice of Removal without waiving any rights, defenses, exceptions, or obligations that may exist in its favor in state or federal court. In support of this Joint Notice of Removal, Defendants state as follows:

## **THE ACTION**

1. Plaintiff Arthur Hill (“Plaintiff”) filed this civil action against Defendants on October 28, 2021 under Case Number 21-CV-003755 (the “Action”) in the General Court of Justice for the Superior Court Division, of Cabarrus County, North Carolina, a court located within this District for asserting claims for fraud against Carvana and violation of the Retail Installment Sales Act and the North Carolina Unfair and Deceptive Trade Practices Act against Carvana and Bridgecrest.

2. On January 14, 2022, Plaintiff filed his First Amended Complaint wherein he added a new claim against Carvana for violation of the Truth in Lending Act (“TILA”).

3. A true and correct copy of all process and pleadings served on Defendants as well as the complete file from the state court is attached hereto as **Exhibit 1**, which is incorporated herein by reference.

4. Plaintiff served Defendants with the First Amended Complaint on January 14, 2022. Plaintiff’s First Amended Complaint is attached hereto as **Exhibit 2**.

5. Defendants are timely filing this Joint Notice of Removal within 30 days of service of the Action pursuant to 28 U.S.C. § 1446(b).

6. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) because this district embraces the place where the removed state action is pending.

## **THIS COURT HAS FEDERAL QUESTION JURISDICTION OVER COUNT 4 OF PLAINTIFF’S FIRST AMENDED COMPLAINT**

7. A defendant may remove a case to federal court only if the claim could have been originally brought in federal court. 28 U.S.C. § 1441; *Merrell Dow Pharm. Inc. v.*

*Thompson*, 478 U.S. 804, 808 (1986). This Court has original jurisdiction over this Action under 28 U.S.C. § 1331.

8. Pursuant to 28 U.S.C. § 1331, federal district courts have original jurisdiction over all civil actions arising under the Constitution, laws, or treaties of the United States.

9. Count 4 of Plaintiff's First Amended Complaint is a claim against Carvana for violation of TILA, 15 U.S.C. §1601 et seq. TILA is a federal statute; therefore, this Court has original jurisdiction.

**THIS COURT HAS SUPPLEMENTAL JURISDICTION OVER THE  
REMAINING COUNTS IN PLAINTIFF'S FIRST AMENDED COMPLAINT**

10. In any "civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy." 28 U.S.C. § 1367.

11. For purposes of supplemental jurisdiction, claims are part of the same "case or controversy" when they "derive from a common nucleus of operative fact ... such that [the plaintiff] would ordinarily be expected to try them all in one judicial proceeding." *Ashby v. United States Dep't of State*, 1:18CV614, 2019 WL 4451256, at \*2 (M.D.N.C. Sept. 17, 2019).

12. Plaintiff's remaining claims against Defendants arise out of the same nucleus of operative facts as Count 4. Specifically, all of the claims asserted in the First Amended Complaint relate to Plaintiff's purchase of a 2016 BMW 3 from Carvana, including

documents signed and money paid for that purchase. Accordingly, this Court has supplemental jurisdiction over Plaintiff's remaining claims.

13. Based on the foregoing, this Court has (a) original jurisdiction pursuant to 28 U.S.C. § 1331 because the Action arises out of a federal statute; and (b) supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over the Plaintiff's remaining claims because they arise out the same nucleus of operative facts as the Plaintiff's federal law claim.

#### **PROCEDURAL REQUIREMENTS FOR REMOVAL**

14. Other than the documents contained in Exhibit 1, no pleadings, process, orders or other documents in the case have been served or otherwise received by Defendants or, to Defendants' knowledge, are presently on file in the state court. In the event that such filings come to Defendants' attention, true and legible copies will immediately be filed with this Court.

#### **CONSENT TO REMOVAL**

15. Pursuant to 28 U.S.C. § 1446(b)(2)(A), Carvana and Bridgecrest file this Notice of Removal jointly.

#### **NOTICE TO ADVERSE PARTY AND STATE COURT**

16. Pursuant to 28 U.S.C. § 1446(d), concurrent with the filing and service of this Notice of Removal, Defendants served upon Plaintiff a Notice to State Court of Removal, and mailed the same to the Clerk of Court, Cabarrus County, North Carolina, for filing with a copy of this Joint Notice of Removal.

## **CONCLUSION**

**WHEREFORE**, Defendants pray that further proceedings in the Superior Court of Cabarrus County, North Carolina, be discontinued and that this action be removed to the United States District Court for the Middle District of North Carolina, and that the Court assume full jurisdiction of this action as provided by law.

Dated this 18<sup>th</sup> day of January, 2022.

Respectfully submitted,

/s/Ashia Crooms-Carpenter

Ashia Crooms-Carpenter

N.C. Bar No. 54342

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*Attorney for Carvana, LLC and  
Bridgecrest Credit Company, LLC*

**CERTIFICATE OF SERVICE**

I, Ashia Crooms-Carpenter, hereby certify that, on January 18, 2022 a true and correct copy of the foregoing was served upon the following via U.S. mail, postage prepaid, and has been electronically filed using the Court's CM/ECF system:

Arthur Hill  
2849 Trestle Court SW  
Concord, NC 28025  
***Pro Se Plaintiff***

/s/Ashia Crooms-Carpenter  
***Attorney for Carvana, LLC and  
Bridgecrest Credit Company, LLC***